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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,118

02/03/2006

Norbert Holl

2732-167

8956

6449

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10/31/2008

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WASHINGTON, DC 20005

EXAMINER

BITAR, NANCY

ART UNIT

PAPER NUMBER

2624

NOTIFICATION DATE

DELIVERY MODE

10/31/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 10/528,118	Applicant(s) HOLL, NORBERT	
	Examiner NANCY BITAR	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's response to the last Office Action, filed 04/07/2008, has been entered and made of record.
2. Applicant has amended claims 1-22. Claims 1-23 are currently pending.
3. Applicants arguments filed 07/07/2007 have been fully considered but they are not persuasive.
4. Applicant argues that Laskowski discloses a method for checking a value documents according to which intensities of transmitted and reflected light are captured. Applicant assumed that a skilled artisan would in fact obtain the motivation to combine reflection and transmission values of a combination of test spots wherein such teaching a clear contract of the method wherein the sum of reflection and transmission intensities is calculated for EACH measured place compared to a standard value .Moreover, applicant questions what was the purpose of Laskowski to summed up or average the reflection and transmission values and what conclusion could be drawn from such values. Moreover, Applicant argues that the sum intensity value obtained for each measuring place is individually compared to a predetermined standard value and not to a combined value as disclosed in Laskowski.

In response, Applicant simply make assumption that the combination reflection and transmission values of a combination of test spots and analyze these combined integral values wherein such values do not contain local information on soiling of the banknote. Where is in the reference of Laskowski shows the sum or average transmission and reflectance values as well as to apply weighting factors to such values which result from a combination thereof over one or more test spots. Finally, alternative embodiments may operate in combination with the note type determining sensors and circuitry as previously described, or may comprise separate sensors and circuitry. Moreover, the control circuit 24 enables rapidly carrying out large numbers of calculations which are necessary to generate the stored value sets and to determine the correlation values for the sensed value set and all the stored value sets. Moreover, Laskowski teaches the calibration mode the optical sensors and electronic subassembly 120 is operative to adjust the amount of radiation generated by each of emitters to produce a preset output. This ensures that the level of radiation produced by each of the emitters is sufficient to correlate accurately with the stored value sets (126) that are produced. Of course in other embodiments of the invention other types or reference material may be used for purposes of calibration. (127) Periodic calibration of the optical sensors and electronic subassembly 120 ensures that changes in the emitters over time or changes in the optical path due to accumulation of dust or other contaminants, will not adversely impact the accuracy of the apparatus. Due to the nature of light emitting diodes (LEDs) used for the emitters and the nature of the control circuitry which generally responds to relative values rather than absolute values, in preferred embodiment calibration is required infrequently (column 23, line 53- column 24 line 9).

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Therefore, Examiner disagree with the assumption above since Examiner interprets that Laskowski teaches the reflection and transmission value is calculated for EACH measurement since Laskowski spot sensing assemblies include a reflectance detector (20) and a transmission detector (22) which are disposed on opposed sides of the passing note. The emitters direct radiation onto test spots (34) on the passing note. Radiation reflected from and transmitted through the test spots is detected by the respective reflector and transmission detectors. A control circuit (24) produces sensed values that correspond to the detected radiation (see figure 2). Applicant argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (the sum intensity value for each measuring place is INDIVIDUALLY compared to a predetermined value" are not recited in the rejected claims rather claim 1 teaches the sum intensity value is compared to a predetermined value . Examiner believes that the sum of all the intensities is compared to a predetermined value as taught by Laskowski by comparing the correlated values to threshold values, the control circuit is operative to determine the type of note and other conditions such as if a note is worn, soiled, or a double note (figure 2 and 3).Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).Additionally the applicant's argument that the combination of all the features recited in claims 1-23 makes the applicant's invention patentable different is not found persuasive and thus Laskowski still reads on the applicant's claimed invention. All remaining arguments are reliant on the aforementioned and addressed arguments and thus are considered to be wholly addressed herein.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-23 are rejected under 35 U.S.C. 102 (b) as being anticipated by Laskowski ET al (US 6,101,266).

As to claim 1, Laskowski et al teaches in figure 1 a method for checking a document of value, comprising:

illuminating the document of value, at least in a partial area is illuminated with an intensity, (each spot sensing assembly includes four emitters 32 each of the emitters produces radiation at different wavelengths, figure 1) and

capturing at one or more measuring places (2) (entry end 14 to an exit end 16, figure 1, column 5, lines 54-66) the intensity of the light transmitted through the partial area of the document of value and the intensity of the light reflected (a control circuit 24 produces sensed values that correspond to the detected radiation), or remitted, by the partial area of the document of value , wherein for each measuring place the intensities of the transmitted and the reflected light are summed up to obtain a sum of intensity value and (the reflectance detector 20 is in operative connection with, and outputs first signals and a second signal, column 6, lines 1-12 and abstract; note that the control circuit calculates a level of correlation between the stored values and the sensed values , column 5, lines

54-column 6, lines 1-12, see figure 4) the sum intensity value is compared to a predetermined standard value(by comparing the correlated values to threshold values , the control circuit is operative to determine the type of note and other conditions such as if a note is worn, soiled, or a double note).

As to claim 2, Laskowski et al teaches a method according to claim 1, wherein the intensity values captured from the measuring place are corrected before the summation for compensating locally differing measuring conditions (column 17, lines 17-32).

As to claim 3, Laskowski et al teaches a method according to claim 2, wherein the correction compensates for local intensity fluctuations in illumination that occur during measuring (column 17, lines 17-32).

As to claim 4, Laskowski et al teaches a method according to claim 2, wherein the correction compensates locally differing detector specifications (figure 2, 22).

As to claim 5, Laskowski et al teaches a method according to claim 4, wherein each captured intensity value is reduced by a dark current measuring value determined for the respective measuring place before the summation(note that correlation values calculated may be tailored to note properties and area of interest, column 10, lines 1-3).

As to claim 6, Laskowski et al teaches a method according to claim 5, wherein determining the dark current measuring values intensity measurements is effected with switched-off illumination (all the blue emitters go off and all the green emitters in each of the spot sensing assemblies come on, column 7, lines 6-21).

As to claim 7, Laskowski et al teaches a method according to claim 1, wherein each captured intensity value, is multiplied with a correction factor determined for the measuring place of the respective intensity value (These overall values are then multiplied together to calculate a final value indicative of correlation of the stored value set and the test note, column 9, lines 41-48).

As to claim 8, Laskowski et al teaches a method according to claim 7, wherein the correction factors are obtained on the basis of the intensity values, which are determined by means of intensity measurements in reference documents (column 23, lines 53 to column 24, lines 1-9).

As to claim 9, Laskowski et al teaches a method according to claim 1, wherein the document of value in a transportation direction is guided past an illumination system and a detector system positioned to this, and with the illumination system at least on one side of the document of value an illumination profile is produced, which extends transverse to the transportation direction (see figure 2-3, note that FIG. 14 is a graphical representation of reflectance signals obtained from transversely disposed spot sensing assemblies for a skewed note, which signals are used by the control circuit to determine an angle of skew).

As to claim 10, Laskowski et al teaches a method according to claim 9, further comprising a plurality of detector elements, which are positioned in a row at right angles to the transportation direction(see figure 9) , the intensity values along a plurality of measuring tracks extending in parallel to the transportation direction are captured (note

that the control circuit 24 has the advantage that each of the digital signal processors operates in parallel on the master templates stored in its associated memory).

The limitation of claims 11-23 has been addressed above see also figure 2 and 3.

Claims 13-22 differ from claim 1-12 only in that claims 1-12 are method claims whereas, claims system claims. Thus, claims 13-22 are analyzed as previously discussed with respect to claims 1-12 above.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY BITAR whose telephone number is (571)270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

Nancy Bitar

10/7/2008